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STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 26

MECKLENBURG COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

2020 MAR 31 P 4:18

MECKLENBURG CO., C.S.C.

IN RE:

EFFECTUATING CDC AND NC
GOVERNOR ORDERS DECLARING
A MORATORIUM ON CERTAIN
RESIDENTIAL EVICTIONS

ADMINISTRATIVE ORDER

THIS ADMINISTRATIVE ORDER has been entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the Mecklenburg County Courthouse facilities and amongst court employees and the public by entering this order to effectuate a national and state moratorium on certain residential evictions. The undersigned Chief District Court Judge enters this Administrative Order pursuant to the inherent authority of the court and pursuant to its administrative supervision and authority over the operation of the District Court pursuant to N.C. Gen. Stat. §§ 7A-41.1, 7A-146, and 15A-535(a), and the inherent authority of the undersigned in the administration of civil procedure for this Judicial District. This Order is intended to address the unprecedented public health threat posed by COVID-19 to the operations of the courts of the 26th Judicial District and is subject to modification or termination depending upon multiple factors related to the transmission of COVID-19 in Mecklenburg County

Whereas, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new, highly-contagious strain of coronavirus that can be spread from person to person via aerosol droplets; and

Whereas, Governor Roy Cooper declared a State of Emergency in North Carolina on March 10, 2020, in response to the emerging public health threat posed by COVID-19 by entry of Executive Order No. 116, *Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19*; and

Whereas, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

Whereas, the Centers for Disease Control and Prevention ("CDC") has warned of the extreme public threat posed by COVID-19 globally and in the United States and strongly recommended the practice of social distancing, the use of face coverings and avoidance of in-person gatherings to deter the spread of the virus; and

Whereas, more than 912,000 people in North Carolina have had COVID-19 and over 12,000 people in North Carolina have died from the disease; and

Whereas, over 100,475 people in Mecklenburg County have had COVID-19 and 908 people in Mecklenburg County have died from the disease; and

Whereas, there have been modest declines, compared to January levels, in the percent of emergency department visits for COVID-19 illness, daily new case counts, the percent of COVID-19 tests that are positive, and COVID-19-associated hospitalizations; and

Whereas, these trends and considerations require the undersigned to continue certain public health restrictions to court operations for the 26th Judicial District to slow the spread of the virus during the pandemic; and

Whereas, Governor Roy Cooper issued Executive Order No. 171 and Executive Order No. 206 extending and modifying provisions of Executive Order No. 171 Extending Assistance for North Carolinians at Risk of Eviction; and

Whereas, in recognition of the public health threat posed by residential evictions during the pandemic, the Centers for Disease Control and Prevention issued an Order, pursuant to 42 U.S.C. Sec. 264 of the Public Health Act and 42 C.F.R. Sec. 70.2, and titled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," temporarily halting certain residential evictions nationwide, beginning September 4, 2020, as such order has been subsequently extended and modified (the "CDC Order"); and

Whereas, on March 29, 2021, the CDC further extended its Order, with modifications, through June 30, 2021; and

Whereas, to reaffirm and clarify the protections established by the CDC Order and to ensure accurate and consistent application of the CDC Order across the state, the Governor of North Carolina issued Executive Order 171 to further protect North Carolinians at risk of eviction, from October 30, 2020 through the CDC Order's original termination date of December 31, 2020; and

Whereas, the Governor of North Carolina, with the concurrence of the Council of State, issued Executive Order Nos. 184, 191, and 206 which extended Executive Order No. 171 through June 30, 2021; and

Whereas, the CDC Order and Executive Order No. 171 do not block evictions of residential tenants for reasons other than nonpayment of rent, interest, late fees or penalties; and

Whereas, the CDC Order and Executive Order No. 171 do not relieve any residential tenant from the obligation to pay rent, make housing payments, or comply with any other obligation that the tenant may have under the tenancy, lease or contract, and these orders do not protect tenants from eviction for reasons of criminal activity, threatening the health or safety of other tenants, or violating building codes or other ordinances; and

Whereas, to ensure the effective execution of the CDC Order, Executive Order No. 171 requires, among other measures, that a landlord provide his or her tenant with a copy of the declaration form required under the CDC Order (the "Declaration") prior to commencing an eviction action and provide the court with a copy of that Declaration; and

Whereas, Executive Order No. 171 provides for the modification of residential leases to effectuate certain procedures in the event a tenant's Declaration is filed with the court, and in the event the landlord decides to contest that Declaration; and

Whereas the Mecklenburg County Courthouse is visited by over 70,000 people per month; and

Whereas, high-volume sessions of small claims court, heavy dockets and long service lines require the public to gather in county courthouses and courtrooms in close proximity for extended periods of time in numbers and under conditions inconsistent with the public health; and

Whereas, the Mecklenburg County Public Health Director has recommended that the occupancy of the Mecklenburg County Court facilities be restricted to ensure six-foot physical distancing in each office, courtroom, and public area; and

Whereas, the Chief Justice of the Supreme Court of North Carolina on March 13, 2020, declaring that catastrophic conditions exist in all North Carolina counties, issued the first in a series of emergency directives pursuant to N.C. Gen. Stat. § 7A-39(b)(2) to mandate physical distancing, the use of face coverings in public areas of courthouses and authorize other local district action to slow the spread of the virus; and

Whereas, it is in keeping with the Governor's Executive Order and the Order of the Chief Justice for the 26th Judicial District to take appropriate measures to reduce the population within the Mecklenburg County Courthouse to protect the health and safety of court personnel and the public and reduce the potential exposure of the virus to court staff, personnel, litigants and members of the bar by entering this order for the scheduling of certain actions for summary ejectment.

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that effective April 1, 2021:

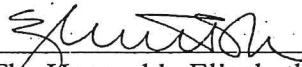
Any summary ejectment action for nonpayment of rent initiated after the date of Executive Order No. 206 in which the tenant has presented his or her landlord, or filed with the court, a Declaration or other qualifying written statement asserting qualifications for the protections of the CDC Order and the landlord has not filed a written objection within five days of receiving the tenant's declaration, shall be scheduled for hearing on the summary ejectment claim on a date on or after the expiration of Executive Order No. 206.

Any summary ejectment action for nonpayment of rent initiated after the date of Executive Order No. 206 in which a tenant has presented his or her landlord, or filed with the court, a Declaration or other qualifying written statement asserting qualification for the protections of the CDC Order and the landlord has filed a written objection, shall be timely scheduled for a hearing before the court for a determination on the issue whether the tenant qualifies for the protections of the CDC Order.

Any summary ejectment action for nonpayment of rent initiated after the date of Executive Order No. 206 in which a tenant has not presented his or her landlord, nor filed with the court, a Declaration or other qualifying written statement asserting qualifications for the protections of the CDC Order, shall be timely scheduled for hearing on the next available calendar and proceed to final order or judgement.

Summary Ejectment proceedings initiated for reasons other than nonpayment of rent or late payment of rent and other fees, and proceedings in which the court has ruled on a landlord's objection and determined that the action should proceed, shall be scheduled for hearing on the next available calendar and proceed to final order or judgment.

Entered and effective, this the 31st day of March 2021 through June 30, 2021.


The Honorable Elizabeth Trosch
Chief District Court Judge